

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM OCTOBER 24, 2012
OPEN SESSION

MINUTES OF OCTOBER 24, 2012 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN FOSTER CAMPBELL, VICE CHAIR JIMMY FIELD AND COMMISSIONERS LAMBERT BOISSIERE, ERIC SKRMETTA AND CLYDE HOLLOWAY. ALSO PRESENT WAS EVE KAHAO GONZALEZ.

Open Session of October 24, 2012, convening at 9:24 A.M. and adjourning at 1:57 P.M., Natchez Room, 602 N. 5th Street, 1st Floor, Baton Rouge, Louisiana, with the above-named members of the Commission and Secretary Eve Kahao Gonzalez.

Ex. 1

Announcements

Commissioner Skrmetta directed the Commission's Transportation Staff to initiate an investigation into the Commission's regulation and jurisdiction as it applies to the household goods industry. He further directed the Transportation Staff to review the Commission's General Orders, as well as statutory and constitutional authority in this area. As part of this investigation, the Transportation Staff should determine whether or not to initiate any Rulemaking dockets. The Transportation Staff should conduct this investigation within a reasonable timeframe and report back to the Commission with their conclusions.

Commissioner Holloway stated that it has been incorrectly represented in formal and informal settings that Commissioners and Commission Staff support the deregulation of the intrastate transportation of waste. He further stated there is no support for those statements as this Commission has only addressed two options relating to the process for obtaining authority to transport waste, and neither of them contemplated deregulation. Commissioner Holloway wants it to be clear to the public that Staff has never presented any proposal to this Commission that constitutes deregulation. Even under the scenario that was titled Option 1, the Commission would continue to regulate the industry and require applicants to prove certain criteria at a hearing before an Administrative Law Judge, including insurance and safety requirements, and the financial ability to operate.

Commissioner Field stated that three District 2 candidates were in attendance: Erich Ponti, Forest Wright and Greg Gaubert.

Commissioner Boissiere requested a status update on Docket R-31106, the energy efficiency docket, and further requested it be on the Agenda for a vote as soon as possible, preferably in November. Staff Attorney Melanie Verzwylt stated that the latest round of comments are due October 29, 2012 and the final proposed rule will be ready for a vote shortly thereafter, likely at the December B&E.

Commissioner Campbell directed Staff to investigate the positive aspects of solar power rather than just the negative ones. Commissioner Boissiere concurred with this statement.

Commissioner Boissiere introduced Jared Reese, a new employee in District 3.

Ex. 2

T-32289 - Louisiana Public Service Commission vs. New Orleans Movers, LLC (New Orleans, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45, 161 through 180.1, as amended, by operating intrastate without LPSC authority by engaging in activities related to moving household goods prior to complying with the requirements of La. R.S. 45:164E(1) allegedly having occurred on or about March 26, 2012.

In re: Discussion and Possible Vote on Stipulated Agreement.

On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Commissioner Holloway concurring and Commissioners Field and Boissiere temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the stipulation and agreement between Staff and New Orleans Movers as reflected by the Report of Proceedings and entered into the record of the June 7, 2012 hearing, wherein New Orleans Movers agreed to the following: 1) To plead guilty to the charge of operating without authority on March 26, 2012; 2) To pay a fine of \$1,000 with \$500 of the fine being suspended, for a total of \$525 to be due to the Commission, including the \$25 Citation fee; 3) To pay the \$525

fee by July 27, 2012 and apply for LPSC authority by that date; 4) Agree not to engage in the transportation of household goods until the required LPSC authority is obtained.

Ex. 3	<p>T-32434 - Louisiana Public Service Commission vs. James G. Gobert, Inc. dba Lake City Trucking (Lake Charles, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of authority granted in LPSC number 1663-A on eleven (11) counts; allegedly occurring between September 19, 2011 and September 24, 2011.</p> <p>In re: Discussion and Possible Vote on Stipulated Agreement Pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, with Commissioner Holloway concurring and Commissioners Field and Boissiere temporarily absent, the Commission voted to exercise its original and primary jurisdiction and bring this matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Campbell, with Commissioner Skrmetta concurring and Commissioners Field and Boissiere temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the agreement between Staff and the Carrier, dated September 28, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$2,000.00, per count, with \$1500.00 per count being suspended, Lake City not committing any additional violations within the following one (1) year from the date of the Stipulation and Agreement, and agreed that the unsuspended portion of the fine and the citation fee, for a total of \$5,525.00, would be remitted to the Commission.</p>
Ex. 4	<p>T-32435 - Louisiana Public Service Commission vs. Haston Lewis dba Westside 66 (Edgard, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended and General Order dated March 26, 2010 amended November 22, 2011 and May 3, 2012, by operating Intrastate without LPSC authority and for exceeding state prescribed rates on one count, allegedly having occurred on or about April 3, 2012.</p> <p>In re: Discussion and Possible Vote on Stipulated Agreement Pursuant to Rule 57.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction and bring this matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, dated September 17, 2012, wherein the Carrier agreed to plead guilty and agreed to: 1) Refund \$60.20 to US Agencies for the overcharge amount arising out of the violation on April 3, 2012; 2) The imposition of a \$1,000.00 fee, with \$500.00 of the fine being suspended, together with a \$25.00 Citation fee, for a total of \$525.00 conditioned on Westside 66 filing an application to reinstate their LPSC authority pursuant to all reinstatement requirements with the LPSC; 3) Pay the \$250 reinstatement fee at the time of the application; 4) Pay the outstanding \$500 late fee for the 2005 Annual Report along with a notarized Affidavit as to why they cannot file a report for 2005; and 5) Said conditioned filings must be made within fifteen (15) days from the date the agreement is executed.</p>
Ex. 5	<p>T-32436 - Louisiana Public Service Commission vs. Southern Specialties Transportation, LLC (Estherwood, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating beyond the scope of authority granted in LPSC number 7291 on two hundred sixty-one (261) counts; allegedly occurring between January 01, 2011 and September 25, 2011.</p> <p>In re: Discussion and Possible Vote on Stipulated Agreement Pursuant to Rule 57.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction and bring this matter up pursuant to Rule 57.</p>

	<p>On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the agreement between Staff and the Carrier, dated October 4, 2012, wherein the Carrier agreed to plead guilty and agreed to pay a fine of \$25,000.00, along with a citation fee of \$25.00, for a total of \$25,025.00, to be remitted to the Commission.</p>
Ex. 6	<p>Discussion and possible vote on amending General Order dated May 3, 2012 as it pertains to the definition of “Non-consensual towing”.</p> <p>On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and amend General Order dated May 3, 2012 (approved at the March 21, 2012 Business and Executive Session), to adopt the definition of “Non-consensual towing” as it is contained in La. R.S. 32:1713 (8).</p> <p>Commissioner Holloway directed Transportation Staff to review storage costs associated with non-consensual towing.</p>
Ex. 7	<p>U-29203 and U-30981 – U-29203- Entergy Gulf States, Inc. and Entergy Louisiana, Inc., ex parte. In re: Joint Application of Entergy Gulf States, Inc. and Entergy Louisiana, Inc. for Interim and Permanent Recovery in Rates of Costs Related to Hurricanes Katrina and Rita. and U-30981 - Entergy Gulf States Louisiana, L.L.C. and Entergy Louisiana, LLC, ex parte. In re: Joint Application of Entergy Gulf States Louisiana, L.L.C. and Entergy Louisiana, LLC for Recovery in Rates of Costs Related to Hurricanes Gustav and Ike.</p> <p>In re: Ratification of LURC 2012 Annual Report.</p> <p>On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the September 12, 2012 Annual Report of the LURC Board of Directors to the Louisiana Public Service Commission, including the Annual Operating Budget for the fiscal year ending June 30, 2013 and interim and annual financial statements for the fiscal year ending June 30, 2012 submitted therewith.</p>
Ex. 8	<p>U-32112 - Eagle Water, LLC, ex parte. In re: Request for an Increase in Water and Wastewater Rates.</p> <p>In re: Discussion and possible vote on Stipulated Agreement.</p> <p>Last month’s Ex. 8.</p> <p>PASSED</p>
Ex. 9	<p>U-32222 - Washington-St. Tammany Electric Cooperative, Inc. (WSTE), ex parte. In re: Petition for Expedited Approval of Power Supply and Services Agreement Extension.</p> <p>In re: Discussion and Possible Vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the Uncontested Joint Stipulation filed on August 15, 2012 recommending certification, with conditions, of the Amended Power Supply and Services Agreement between WST and LaGen, with additional conditions as read into the record, which were agreed to by the parties</p>
Ex. 10	<p>U-32224 - Claiborne Electric Cooperative, Inc., ex parte. In re: Petition for Expedited Approval of Power Supply and Services Agreement Extension.</p> <p>In re: Discussion and Possible Vote on Uncontested Stipulated Settlement.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the Uncontested Joint Stipulation filed on August 15, 2012 recommending certification, with conditions, of the Amended Power</p>

	Supply and Services Agreement between Claiborne and LaGen, with additional conditions as read into the record, which were agreed to by the parties.
Ex. 11	<p>U-32237 - BellSouth Telecommunications LLC d/b/a AT&T Louisiana versus Halo Wireless, Inc. In re: Petition of BellSouth Telecommunications, LLC d/b/a AT&T Louisiana Seeking Relief from Breaches of Interconnection Agreement with Halo Wireless, Inc.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the ALJ Recommendation with the amendments read into the record by Commissioner Skrmetta regarding the third sentence of the 2nd Ordering Paragraph and the fourth sentence of the 4th Ordering Paragraph.</p>
Ex. 12	<p>U-32275 - Dixie Electric Membership Corporation ("DEMCO"), ex parte. In re: Petition Requesting Certification of Power Supply and Service Agreement, Waiver of Market Based Mechanism RFP Process, Implementation of Rate Moderation Plan, and Expedited Relief for Dixie Electric Membership Corporation ("DEMCO").</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on request for certification of power supply and service agreement with Cleco Power LLC.</p> <p>On motion of Commissioner Field, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction and bring this matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Commissioners Field and Holloway concurring and Commissioner Campbell objecting, the Commission voted to accept the Staff Recommendation and approve the Term Sheet executed by Staff, DEMCO and Cleco, certifying the PSSA between DEMCO and Cleco and granting to DEMCO a waiver of the requirements of the Commission's MBM Order. The proposed Rate Moderation Plan will be considered separately.</p>
Ex. 13	<p>U-32275 - Dixie Electric Membership Corporation ("DEMCO"), ex parte. In re: Petition Requesting Certification of Power Supply and Service Agreement, Waiver of Market Based Mechanism RFP Process, Implementation of Rate Moderation Plan, and Expedited Relief for Dixie Electric Membership Corporation ("DEMCO").</p> <p>In re: Discussion and possible vote pursuant to Rule 57 on request for implementation of rate moderation plan.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction and bring this matter up pursuant to Rule 57.</p> <p>On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to adopt a rate moderation plan ("RMP") subject to the following conditions: (1) DEMCO establish an LPSC directed regulatory asset account; (2) DEMCO shall implement a 12-month, two step increase for the RMP as follows: Step 1 – Beginning on April 1, 2013 through December 31, 2013, a charge of \$3.00 per 1,000 KWH will be added to DEMCO customer bills.; and Step 2 – Beginning on January 1, 2014 through March 31, 2014, an additional charge of \$1.00 per 1,000 KWH will be added to customer bills; (3) DEMCO will then implement a two step refund for the RMP as follows: Starting on April 1, 2014 through December 31, 2014, DEMCO will refund to customer bills a charge of \$3.50 per 1,000 KWH, and beginning on January 1, 2015 through March 31, 2015, DEMCO will refund to customer bills a charge of \$2.22 per 1,000 KWH; (4) if, after the last refunds on March 31, 2015, any residual amount is left to completely "zero out" the RMP, DEMCO will issue a final refund to clear out any residual owed to the customers; (5) the Commission will require that DEMCO will refund any amounts due the customer, with interest, in the event that a customer were to discontinue DEMCO electric service prior to the customer's being made revenue-neutral in the RMP process; and (6) the DEMCO Rate Moderation Plan shall <u>not</u> be considered as a precedent for future rate treatment for DEMCO or any other utilities or carriers.</p>

Ex. 14	<p>U-32315 - Claiborne Electric Cooperative, Inc., ex parte. In re: Application for Approval of Formula Rate Plan and Initial Revenue Adjustment.</p> <p>In re: Discussion and Possible Vote on Proposed Joint Stipulation.</p> <p>PASSED</p>
Ex. 15	<p>U-32507 - Cleco Power LLC., ex parte. In re: Application of Cleco Power LLC for: (i) Authorization to Install Emissions Control Equipment at certain of its Generating Facilities in order to comply with the Federal National Emissions Standards for Hazardous Air Pollutants from Coal and Oil-Fired Electric Utility Steam Generating Units Rule; and (ii) Authorization to Recover the Costs Associated with the Emissions Control Equipment in LPSC Jurisdictional Rates.</p> <p>In re: Discussion and Possible Vote to hire outside consultant.</p> <p>Commissioner Skrmetta made a motion to retain Shaw Consultants International, Inc. However, this motion died for lack of a second.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to retain the consulting firm of Exeter Associates for \$29,700 in consulting fees, \$2,500 in expenses, total budget not to exceed \$32,500 to assist Staff in this matter.</p>
Ex. 16	<p>U-32538 - Entergy Louisiana, LLC, Entergy Gulf States Louisiana, LLC, Mid South TransCo, LLC, Transmission Company Louisiana I, LLC, Transmission Company Louisiana II, LLC, ITC Holdings Corp. and ITC Midsouth LLC., ex parte. In re: Joint Application for Entergy Louisiana, LLC, Entergy Gulf States Louisiana, LLC, Mid South TransCo, LLC, Transmission Company Louisiana I, LLC, Transmission Company Louisiana II, LLC, ITC Holdings Corp. and ITC Midsouth LLC for Approval of Change of Ownership of Electric Transmission Businesses, for Certain Cost-Recovery Adjustments and for Related Relief.</p> <p>In re: Discussion and Possible Vote to hire outside counsel.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to retain the law firm of Stone Pigman for professional fees not to exceed \$447,000 and expenses not to exceed \$28,000, for a total budget not to exceed \$475,000.</p>
Ex. 17	<p>U-32538 - Entergy Louisiana, LLC, Entergy Gulf States Louisiana, LLC, Mid South TransCo, LLC, Transmission Company Louisiana I, LLC, Transmission Company Louisiana II, LLC, ITC Holdings Corp. and ITC Midsouth LLC., ex parte. In re: Joint Application for Entergy Louisiana, LLC, Entergy Gulf States Louisiana, LLC, Mid South TransCo, LLC, Transmission Company Louisiana I, LLC, Transmission Company Louisiana II, LLC, ITC Holdings Corp. and ITC Midsouth LLC for Approval of Change of Ownership of Electric Transmission Businesses, for Certain Cost-Recovery Adjustments and for Related Relief.</p> <p>In re: Discussion and Possible Vote to hire outside consultant.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to retain the consulting firm of Sisung Group for a budget of \$440,000 in consulting fees, \$36,000 in expenses, total budget not to exceed \$476,000 to assist Staff in this matter.</p>
Ex. 18	<p>U-32540 - Beauregard Electric Cooperative, Inc., ex parte. In re: Application for Approval of Formula Rate Plan.</p> <p>In re: Discussion and Possible Vote to hire outside consultant.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to retain the consulting firm of Henderson Ridge for a budget of \$15,500 in fees plus \$1,500 in expenses for a total not to exceed \$17,000 to</p>

	<p>assist Staff in this matter.</p>
Ex. 19	<p>S-32078 - Cecilia Water Corporation, ex parte. In re: Request for an increase in water rates for capital improvements. (Non-Profit System).</p> <p>In re: Discussion and Possible Vote on Staff Recommendation.</p> <p>At the request of Commissioner Field and Commissioner Holloway.</p> <p>Last month's Ex. 18.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Field, with Commissioners Campbell and Boissiere concurring and Commissioner Skrmetta temporarily absent, the Commission voted to accept the Staff Recommendation and approve the Audit Memorandum filed on August 24, 2012 into the record.</p>
Ex. 20	<p>S-32218 - Rapides Island Water Association, Inc., ex parte. In re: Request for Increase in Water Rates (non-profit system).</p> <p>In re: Discussion and Possible Vote on Staff Recommendation.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Campbell, with Commissioners Field and Boissiere concurring and Commissioner Skrmetta temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the September 19, 2012 Audit Memorandum with Exhibits filed into the record with the following amendment: Residential Rates for 0-2000 gallons will be \$14.00 as opposed to the recommended \$13.55.</p>
Ex. 21	<p>S-32441 - Boomerang Wireless, LLC, ex parte. In re: Application of for Designation as an Eligible Telecommunications Carrier on a Wireless Basis (Low Income Only).</p> <p>In re: Discussion and Possible Vote on Recommendation of Staff.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation and designate Boomerang Wireless, LLC as an ETC on a wireless basis in the non-rural portions of Louisiana for the limited purpose of qualifying for federal low income/Lifeline support.</p>
Ex. 22	<p>S-32503 - Southwest Electric Membership Corp., ex parte. In re: Request for a Letter of Non Opposition to refinance approximately \$39,884,368 worth of 4.42% Rural Utilities Service loans with CoBank at an approximate 3.95% interest rate.</p> <p>In re: Discussion and Possible Vote on Staff Recommendation.</p> <p>On motion of Commissioner Field, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the Audit Staff Report and Recommendation filed on September 27, 2012 with the conditions read into the record.</p>
Ex. 23	<p>R-28271 Subdocket B - Louisiana Public Service Commission, ex parte. In re: Re-study of the feasibility of a renewable portfolio standard for the State of Louisiana.</p> <p>In re: Report from CLECO, Entergy and SWEPCO on Progress of Renewable Pilot Program.</p> <p>Commissioner Holloway directed Staff to have this item on the December B&E for a vote.</p> <p>Richard Sharp on behalf of CLECO; Mark Kleehammer and Andrew Owens on behalf of Entergy; Charlie Kazuba on behalf of SWEPCO reported on their respective renewable pilot programs.</p>

Ex. 24	<p>CLECO Power L.L.C, and Sundrop Fuels Louisiana L.L.C. (Boyce, Louisiana) Site Specific Rate</p> <p>In re: Agreement for Electric Service By and Between CLECO Power L.L.C. and Sundrop Fuels Louisiana, L.L.C. at the Boyce, Louisiana Facility.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve the site-specific agreement between CLECO and Sundrop pursuant to the conditions read into the record.</p>
Ex. 25	<p>Presentation on the history and success of the 2-1-1 Information and Referral Service by representatives of Louisiana 2-1-1.</p> <p>Last month's Ex. 2.</p> <p>Charmaine Caccioppi and Aaron Blackledge gave a presentation and answered Commissioner questions on 2-1-1.</p> <p>Commissioner Skrmetta directed Staff to look into the possibility of directing utilities to include information on 2-1-1 as a billing insert.</p> <p>Commissioner Campbell directed Staff to look into the possibility of assisting in publicity for 2-1-1 through our press releases.</p>
Ex. 26	<p>Possible executive session pursuant to La. R.S. 42:17 to discuss litigation strategy in Entergy System Agreement alternative dispute resolution proceedings, FERC Docket Nos. EC12-145, ER12-2681 & EL12-1071, FERC Docket No. ER12-2682, FERC Docket No. 12-2683, and FERC Docket No. ER12-2693.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to go into Executive Session.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to come out of Executive Session.</p> <p>On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to direct the Staff in Docket No. U-29764 to commence an expedited review of the effects of Entergy Gulf States LLC and/or Entergy Texas, Inc. joining MISO on the cross-purchase power agreements between EGSL and ETI for the oil and gas units owned by Entergy Gulf States, Inc. at the time of the jurisdictional separation, in view of the terms and requirements of the Jurisdictional Separation Order. If an evidentiary hearing is required, the administrative law judge shall oversee the compiling of a record and certify that record to the Commission for a decision. Otherwise, the ALJ shall provide a schedule for the submission of briefs to the ALJ (with copies to be furnished simultaneously to the Commissioners) and the briefs shall constitute the record to be certified to the Commission. The ALJ shall strive to provide for the completion of the hearing process within 90 days.</p> <p>On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to adopt the following: Under the authority of the August 4, 2004 General Order governing the selection of contract employees and providing for the retention of counsel and/or consultants in any matter that arises out of or is substantially related by common factual, legal or regulatory issues to an active matter for which the contract attorneys or consultants were previously retained; particularly in view of time constraints that make it impractical to engage in a Request for Proposal process, I move that the Commission direct special counsel and the consultants hired to investigate the proposal of Entergy Louisiana LLC and Entergy Gulf States LLC to transfer their transmission assets to ITC in Docket U-32538 to intervene on behalf of the Commission in and take appropriate steps to protect the interests of Louisiana ratepayers in Docket Nos. ER12-2683, ER12-2682; ER12-2693; EC12-145; ER12-2681, and EL12-107 and any future related dockets at the Federal Energy Regulatory Commission. The Secretary with the help of Special Counsel shall prepare a letter from the Commission requesting ITC, MISO, and Entergy to withdraw or stay those FERC proceedings. Special counsel and the consultants shall submit budgets to the Commission for participating in these proceedings. These budgets shall constitute hard caps,</p>

	but may be subject to amendment with Commission approval if the scope of litigation evolves or changes in the future.
Ex. 27	<p>1) Reports 2) Resolutions 3) Discussions</p> <p>On motion of Commissioner Field, seconded by Commissioner Boissiere, and unanimously adopted, the Commission voted to adopt Resolution 2012-12 to the FERC regarding U-29764.</p>
Ex. 28	<p>R-29380 Subdocket B - Louisiana Public Service Commission, ex parte. In re: An Investigation Into the Ratemaking and Generation Planning Implications of the U.S. EPA Clean Air Interstate Rule.</p> <p>In re: Discussion and possible vote to approve additional budget of Bradley Murchison Law Firm to assist Staff in opposing CSAPR Rehearing and participating in the Rehearing if necessary.</p> <p>At the request of Commissioner Skrmetta.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to approve the 2-part budget proposal submitted by Bradley Murchison Law Firm to assist Staff in this matter as follows: In the event the rehearing is denied: total fees of \$15,750 plus expenses of \$2,000, for a total budget not to exceed \$17,750; In the event the rehearing is granted, total fees of \$47,250 plus expense of \$6,000 for a total budget not to exceed \$53,250.</p>
Ex. 29	<p>U-32220 - Southwestern Electric Power Company, ex parte. In re: Application for extension of Formula Rate Plan.</p> <p>In re: Discussion and possible vote to expand the Exeter Associates current scope of work in Docket U-27092 Phase II to include the current docket.</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Commissioner Campbell, seconded by Commissioner Field, and unanimously adopted, the Commission voted to expand Exeter Associates current scope of work in Docket U-29702, Phase II, to include work in the current docket under the existing budget.</p>
Ex. 30	<p>U-32557 - Entergy Gulf States Louisiana, L.L.C ex parte. In re: Application for Approval of a 20 Year Contract with Rain CII Carbon LLC for the Purchase of Capacity and Energy from the Sulphur, LA Heat Recovery Project and Request for Timely Treatment.</p> <p>In re: Discussion and possible vote to hire J. Kennedy and Associates to assist Staff in this matter.</p> <p>At the request of Commissioner Field.</p> <p>On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and approve Kennedy's budget in the amount of \$31,900, with fees not to exceed \$29,000 and expenses not to exceed \$2,900</p>
Ex. 31	<p>S-32144 - Springhill Community Water System, Inc., ex parte. In re: Request for an increase in water rates (non-profit system).</p> <p>In re: Discussion and possible vote on Staff Recommendation.</p> <p>At the request of Commissioner Campbell.</p> <p>PASSED</p>

Ex. 32	<p>S-32532 - PPG Industries Inc. and Georgia Gulf Corporation, ex parte. In re: Petition for Jurisdictional Determination on an Expedited Basis.</p> <p>At the request of Commissioner Holloway.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to approve the request for a determination of non-jurisdictional status pursuant to the conditions read into the record.</p>
Ex. 33	<p>S-32556 - PPG Industries Inc. and Georgia Gulf Corporation, ex parte. In re: Petition for Jurisdictional Determination on an Expedited Basis.</p> <p>At the request of Commissioner Holloway.</p> <p>On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to approve the request for a determination of non-jurisdictional status pursuant to the conditions read into the record.</p>
Ex. 34	<p>S-32534 - Louisiana Public Service Commission, ex parte. In re: Purchase Gas Adjustment Audit of Centerpoint Arkla (2002-2009)</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Field, with Commissioners Boissiere and Holloway concurring and Commissioner Campbell objecting, the Commission voted to accept the Staff Recommendation and adopt the Audit Report issued September 14, 2012, as modified by the modifications/exceptions raised by Arkla and agreed to by Staff.</p>
Ex. 35	<p>S-32537 - Louisiana Public Service Commission, ex parte. In re: Purchase Gas Adjustment Audit of Centerpoint Entex (2002-2008).</p> <p>At the request of Commissioner Campbell.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the Audit Report issued September 14, 2012.</p>
Ex. 36	<p>S-31210 - Dixie Electric Membership Corporation, ex parte. In re: Application for Approval of Advanced Metering System Program.</p> <p>In re: Discussion and Possible Vote on Staff Report and Recommendation.</p> <p>At the request of Commissioner Field.</p> <p>On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the Staff Report and Recommendation as filed on October 18, 2012.</p>
Ex. 37	<p>Request to Staff to open an investigation into AT&T's PIC charge and/or minimum long distance charge.</p> <p>At the request of Commissioner Campbell.</p> <p>Commissioner Campbell directed Staff to look into the PIC charge and/or minimum long distance charge billed by AT&T and report their findings. Commissioner Boissiere requested a copy of the findings be sent to his office as well.</p>
Ex. 38	<p>Question and Answer with Entergy regarding Hurricane Isaac restoration efforts.</p> <p>At the request of Commissioner Skrmetta.</p>

William “Bill” Mohl, Dennis Dawsey, Karen Freese and Mark Kleehammer answered questions posed by the Commissioners regarding restoration efforts following Hurricane Isaac.

MEETING ADJOURNED

The next Business and Executive Session will be held November 15, 2012 at 9:00 a.m. in Baton Rouge, Louisiana.